

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

KENNETH OCTAVIUS WALLACE,

CIVIL NO. 09-1390 (PAM/JSM)

Plaintiff,

v.

ORDER

CMS, DAVID PAULSON, KATHY REID,
BARBARA NELSON, STEPHEN J. CRAONE,
RACHEL AMUNDSON, and
MIKE KEAPPROTH,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated June 30, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
2. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915A(b);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely \$330.00, in accordance with 28 U.S.C. § 1915(b)(2); and

4. For purposes of 28 U.S.C. § 1915(g), this action is dismissed “on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted.”

Dated: Monday, August 10, 2009

s/ Paul A. Magnuson
PAUL A. MAGNUSON
United States District Judge